

PX11

PPS Attachment O

Wild Farms Account Documents

1270

MERCHANT APPLICATION


GMA
 Global Merchant Advisors

Merchant # _____

☐ New Location ☐ Additional Location

3000 S. Robertson Blvd • Ste 295 • Los Angeles, CA 90034

310-220-0624 • Fax 310-602-6282

www.globalmerchantadvisors.com

Legal Name (as it appears on your income tax return): Wild Farms, LLC			Name of Account (Doing Business As): Eyepothesis Tools		
Legal Address: 2 W Dry Creek Cir STE 100			Physical Street Address (No P.O. Box): 2 W Dry Creek Cir STE 100		
City: Littleton	State: CO	Zip: 80120	City: Littleton	State: CO	Zip: 80120
Phone #: (303) 544-2183	Contact: Eric Fry	DBA Phone #: (866) 711-2829	Fax #: (303) 530-0771		
Must Choose One Mailing Address: <input checked="" type="checkbox"/> DBA Address <input type="checkbox"/> Legal Address		E-Mail Address: eric@eyepothesistools.com			
Website Address: www.eyepothesistools.com					
Federal Tax # (as it appears on your income tax return) 271858429	# of Locations 1	Years in Business 1	Years Owned Business 1		
Place of Legal Formation: CO			Country of Primary Business Operations: USA		
Bank Reference: John Alnsworth		Contact: John Alnsworth	Phone #: (303) 245-6523		

Name: 1. Eric Fry	Title: Manager	Date of Birth: [REDACTED]-77	Applicant's SS #: [REDACTED]	% Equity Ownership: 1
Residence Address: [REDACTED]	City: Boulder	State: CO	Zip: 80301	# Years: 9
US Government Issued ID#: [REDACTED]	Type of ID: Drivers License	Expiration Date: [REDACTED] 2013	Country of Citizenship (if not US): [REDACTED]	Home Phone: [REDACTED]
Name: 2.	Title:	Date of Birth:	Applicant's SS #:	% Equity Ownership:
Residence Address:	City:	State:	Zip:	# Years:
US Government Issued ID#:	Type of ID:	Expiration Date:	Country of Citizenship (if not US):	Home Phone:

Type of Ownership: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Assoc/Estates/Trusts <input type="checkbox"/> Joint Venture <input type="checkbox"/> Government <input type="checkbox"/> Corporation (Privately Traded) <input type="checkbox"/> Corporation (Publicly Traded) <input type="checkbox"/> Medical or Legal Corp <input type="checkbox"/> Partnership <input type="checkbox"/> Tax Exempt Org <input type="checkbox"/> Single Member LLC <input checked="" type="checkbox"/> Multi Member LLC <input type="checkbox"/> Civic Assoc <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Political Org <input type="checkbox"/> Other		Sales Profile Merchant Type: Discover/Visa/MasterCard Sales Profile (Be Accurate): <input type="checkbox"/> Retail <input type="checkbox"/> Restaurant <input type="checkbox"/> Lodging <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/> Internet <input type="checkbox"/> Home Based <input type="checkbox"/> Other	
Type of Goods or Services Sold: Skin Care Product SIC Code: 5999		Card Swipe % Manual Key Entry with Imprint, Card Present % Mail Order/Telephone % Internet 100 % Total = 100%	
Do you currently accept Discover @Visa/Mastercard? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, you should submit 3 current month's statements)		Name of Current Processor: Power Pay	
Has Merchant or any associated principal disclosed below filed bankruptcy or been subject to involuntary bankruptcy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Date:	

Business/Trade Suppliers (List Two)			
Name: Sunshine Health	Address:	Contact: Ralph Morton	Phone #: (954) 493-6489
Name: Verif	Address:	Contact: Rick Lynch	Phone #: (323) 656-5789

Merchant Site Survey Report: To Be Completed by Sales Representative			
Merchant Location:	<input type="checkbox"/> Retail Location with Store Front	<input type="checkbox"/> Office Building	<input type="checkbox"/> Internet
Area Zoned:	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Residential
Does the amount of inventory and merchandise on shelves and floor appear consistent with this type of business?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If No, explain:			
The Merchant:	<input type="checkbox"/> Owns	<input checked="" type="checkbox"/> Leases the Business Premises	Landlord Name & Phone #:
Further Comments by Inspector (Must Complete)			

I hereby verify that this application has been fully completed by merchant applicant and that I have physically inspected the business premises of the merchant at this address and the information stated above is true and correct to the best of my knowledge and belief.

Verified and Inspected by: *[Signature]* Office #: _____ Representative #: _____ Representative Signature: *[Signature]* Date: 3-21-11

X *[Signature]*

White Copy - Bank • Pink Copy - Merchant

Discover / Visa / Mastercard Standard Retail / High Risk Retail Rates

Merchant Chooses to accept the following:
 DISC/VISA/MC (Other Cards) Discount Rate: _____ %
 VISA/MC Discount Rate for Debit Cards: _____ %
 AMEX Discount Rate: _____ %

Fees

DISC/VISA/MC Transaction Fee: _____ Per Item
 Non-Bankcard Transaction Fee: _____ Per Item
 Statement Fee: \$10.00 Monthly
 VIMAS Online Service: _____ Monthly
 Monthly Minimum: \$35.00 Monthly
 Annual Fee: \$99.00 Per Year
 Debit Transaction Fee Plus Network Fees: _____ Per Item
 EBT Transaction Fee: _____ Per Item
 EBT Statement Fee: \$5.00 Monthly
 Batch Fee: \$0.25 Per Batch
 Manual Imprinter: QTY: _____ One Time
 Chargeback Fee: \$35.00 Per Item
 ACH Reject Fee: \$25.00 Per Item
 Retrieval Fee: \$5.00 Per Item
 Voice Authorization Fee: \$0.95 Per Call
 Gateway Access Fee: \$10.00 Monthly
 AVS Surcharge: \$0.10 Per Item
 Early Termination Fee: \$495.00 One Time
 Others (please specify): _____

Mail / Phone / Internet / Touchtone Rates

Merchant Chooses to accept the following:
 DISC/VISA/MC (Other Cards) Discount Rate: 3.89 %
 VISA/MC Debit Card Discount Rate: 3.89 %
 AMEX Rate: \$7.95 Monthly

Fees

DISC/VISA/MC Transaction Fee: 30 Per Item
 Non-Bankcard Transaction Fee: 30 Per Item
 Statement Fee: \$10.00 Monthly
 VIMAS Online Service: _____ Monthly
 Monthly Minimum: \$35.00 Monthly
 Annual Fee: \$99.00 Per Year
 MOTO/Internet Surcharge: _____ Per Item
 AVS Surcharge: \$0.10 Per Item
 Batch Fee: \$0.25 Per Batch
 Manual Imprinter: QTY: _____ \$14.95 One Time
 Chargeback Fee: \$35.00 Per Item
 ACH Reject Fee: \$25.00 Per Item
 Retrieval Fee: \$5.00 Per Item
 Voice Authorization Fee: \$0.95 Per Call
 Gateway Access Fee: \$10.00 Monthly
 Early Termination Fee: \$495.00 One Time
 Others (please specify): _____

1) We understand and agree to the following: that my/our discount rate as stated above will be charged on all electronically authorized payment card transactions that are in batches closed daily (qualified rate); and that all payment card transactions that do not meet the requirements stated in number 1 above may be charged up to 4.81% higher than my/our discount rate. Discover/Visa/Mastercard business transactions may be charged up to 4.81% above qualified rate.

3) Pass-through Association fees include Visa Acquirer Processing Fee, Visa Misuse of Auth Fee, Visa International Service Assessment Fee (ISA), Visa Zero Floor Limit Fee, Visa International Acquirer Fee, MC Acquirer Program Support Fee, MC Cross Border Fee, and the MCC Network Access and Brand Usage (NABU) Fee. Please visit our website for further details.

Do you use a third party to process or transmit Cardholder data? ☒ Yes ☐ No. Give name/address: (examples include, but not limited to hosting companies, shopping carts, Loyalty Programs, Electronic Data Capture). Please identify any Software used for storing, transmitting or processing Card Transactions or Authorization requests. VeriFi

Merchant Benefits Club

☒ Yes, I want to participate in the optional Merchant Benefits Club which includes equipment support and replacement for an additional \$14.99 per terminal/peripheral per month. In/Out: X

American Express

By signing below, I represent that I have read and am authorized to sign and submit this application for the above entity which agrees to be bound by the American Express Card Acceptance Agreement ("Agreement"), and that all information provided herein is true, complete and accurate. I authorize Cynergy Data, LLC and American Express Travel Related Services Company, Inc. ("American Express") and its agents and Affiliates to verify the information in this application and receive and exchange information about me personally, including by requesting reports from consumer reporting agencies; and disclose such information to their agents, subcontractors, Affiliates, and other parties for any purpose permitted by law. I authorize and direct Cynergy Data, LLC and American Express and American Express's agents and Affiliates to inform me directly or through the entity above, of reports about me that they have requested from consumer reporting agencies. Such information will include the name and address of the agency furnishing the report. I also authorize American Express to use the reports from consumer reporting agencies for marketing and administrative purposes. I understand that upon American Express's approval of the application, the entity will be sent the Agreement.

CHECK ONE ☒ Retail - \$0.10 Trans Fee + 0.30% CNP Discount ☐ Service/Wholesale & All Other - \$0.16 Trans Fee

Signature: X

Date: _____

Debit/Credit Authorization - Include a voided check or bank letter verifying bank account information.

Merchant authorizes Processor or Bank to present Automated Clearing House credits, Automated Clearing House debits, wire transfers, or depository transfer checks to and from the following account and to and from any other account for which Processor or Bank are authorized to perform such functions under the Merchant Processing Agreement, for the purposes set forth in the Merchant Processing Agreement. This authorization extends to such entries in said account concerning lease, rental or purchase agreements for POS terminals and/or accompanying equipment and/or check guarantees fees and amounts due for supplies and materials. This Automated Clearing House authorization cannot be revoked until all Merchant obligations under this Agreement are satisfied, and Merchant gives Cynergy Data written notice of revocation.

DDA: 5300

ABA Routing: _____

INVESTIGATIVE CONSUMER REPORT: An investigative or consumer report may be made in connection with application. MERCHANT authorizes BANK or any of its agents to investigate the references provided or any other statements or data obtained from MERCHANT, from any of the undersigned individual credit or financial responsibility. You have a right, upon written request, to a complete and accurate disclosure of the nature and scope of the investigation requested.

AVERAGE TICKET SIZE: 65

AVERAGE MONTHLY VOLUME: 50,000

Each person certifies that the average ticket size and sales volume indicated is accurate and agrees that any transaction or monthly volume that exceeds either of the above amounts could result in delayed and/or withheld settlement of funds. Also, see paragraphs 4c and 13b of the MERCHANT Processing Agreement regarding suspension and termination of MERCHANT.

IMPORTANT NOTICE: All information contained in this application was completed, supplied and/or reviewed by the undersigned Merchant. Processor shall not be responsible for any change in printed terms unless specifically agreed to in writing by an officer of Processor and/or Harris, N.A., Chicago, IL. By signing below you are agreeing to the provisions stated within this merchant application, on the reverse side (the Merchant Agreement) and acknowledge receipt of the merchant operating guide. Those provisions must be read before signing. By signing below, you agree to the terms on the front and back of this MERCHANT Processing Agreement and the merchant operating guide.

Individual Guaranty - No Titles

As a primary inducement to Processor and Bank to enter into this Agreement, the undersigned Guarantor(s), by signing this Agreement, jointly and severally, unconditionally and irrevocably, personally guarantee the continuing full and faithful performance and payment by Merchant of each of his duties and obligations to Processor and Bank under this Agreement or any other agreement currently in effect or in the future entered into between Merchant or its principals and Processor or Bank, as such agreements now exist or are amended from time to time, with or without notice. Guarantor(s) understand further that Processor or Bank may proceed directly against Guarantor(s) without first exhausting their remedies against any other person or entity responsible to it or any security held by Processor and Bank or Merchant. This guarantee will not be discharged or affected by the death of the undersigned, will bind all heirs, administrators, representatives and assigns and may be enforced by or for the benefit of any successor of Processor and Bank. Guarantor(s) understand that the inducement to Processor and Bank to enter into this agreement is consideration for the guaranty, and that this guaranty remains in full force and effect even if the Guarantor(s) receive no additional benefit from the guaranty.

AGREED AND ACCEPTED

X 3/4/17
 #1 From Application - Signature Date

X
 #2 From Application - Signature Date

For All Businesses - Business Resolution

The indicated officer(s) identified in numbers 1 and/or 2 below have the authorization to execute the MERCHANT Processing Agreement on behalf of the here within named business. MERCHANT UNDERSTANDS THAT THIS AGREEMENT SHALL NOT TAKE EFFECT UNTIL MERCHANT HAS BEEN APPROVED BY BANK AND A MERCHANT NUMBER IS ISSUED.

11/10 Farms, LLC
 Print Legal Name of Merchant Business

X 3/4/17
 #1 From Application - Signature Date

X
 #2 From Application - Signature Date

X
 Accepted by Processor Date

X
 Accepted by Harris, N.A., Chicago, IL Date

Global Merchant Advisors is a registered ISO/MSP of Harris, N.A., Chicago, IL

>> 09/01/10

Mail, Telephone Order, & Internet Merchant Addendum

IMPORTANT NOTICE: Visa and MasterCard have set a minimum standard requirement for accepting credit cards on the Internet. In order to avoid significant delay in the settlement of your funds, please ensure that your website has the following seven (7) items completed prior to the commencement of your credit card processing:

1. Refund / Cancellation Policy
 2. Privacy Policy
 3. Terms & Conditions listed
 4. Products & the Corresponding Pricing listed
 5. 128-bit SSL page(s) where personal and credit card information is obtained (usually provided by shopping cart or gateway)
 6. Telephone Customer Service contact number
 7. Shipping & Handling method and shipping delivery time after the sale
- URGENT!!!!** You must contact your sales representative immediately upon completing the above 7 internet processing requirements!

Underwriting & Marketing Review: (Please answer the following questions as accurately as possible)

Submit sample(s) of product brochure, promotional materials, product catalogue, etc. How will product be advertised or promoted?

The product is sold primarily online through direct marketing and via links to our own page from 3rd party web sites.

If advertising on Internet, list website address: www.eyepothesistools.com

Preferred 23 character (or less) DBA identifier (appears on customers' billing statement)

E	Y	E	*	P	O	T	H	E	S	I	S	8	6	6	7	1	1	2	8	2	9	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	--

List name(s) and address(es) of vendor from which the product is purchased:

United One Labs, 4641 Nall Rd, Farmers Branch TX 75244. IntermedicoJP Nihonbashi Kodemmacho Chuo-ku, Tokyo 103-0001, Japan

List name(s) and address(es) of third party or fulfillment organizations, or parties aside from your staff who will assist or participate with the sales, marketing, processing of orders, or shipping of merchandise:

convertis, LLC - fulfillment center, Boulder CO

List geographical area(s) in which the product or service will be marketed and sold: USA

List carrier services that will deliver product or service: USPS, DHL

What is your return or refund policy? refund within 30 days with return only

How does the customer order the product or service? online

When you receive an authorization, how long before merchandise is shipped or services are provided? product is shipped within 24 hours hours

Do you perform recurring monthly billing? ☒ Yes ☐ No If Yes, ☒ Monthly ☐ Quarterly ☐ Bi-annual ☐ Annual

Is your database collecting entire credit card numbers? ☒ Yes ☐ No If Yes, are you PCI compliant? ☒ Yes ☐ No

This amendment is made by and between Harris, N.A., Chicago, IL ("Bank"), and the undersigned "MERCHANT" and subject to the approval of BANK. WHEREAS: Bank is engaged in the general banking business including the purchase of Credit Card Transactions from merchants and provide certain services related to the processing of Credit Card Transactions to MERCHANT; and

WHEREAS: MERCHANT desires to honor at this business location(s) Card Numbers presented in connection with the Mail Order/Telephone Order sale of product/ services to customers; and

WHEREAS: BANK and MERCHANT has entered into Harris, N.A., Chicago, IL ("Bank") VISA/MasterCard Processing Agreement ("Agreement"). NOW THEREFORE, in consideration of the representations, covenants, and promises made herein, the parties hereto agree to amend Agreement as follows:

1. MERCHANT agrees to use and retain proof of a traceable delivery system as means of shipment of product to customer.
2. MERCHANT agrees that transactions will not be processed until products are shipped to Cardholder.
3. MERCHANT agrees to a charge of \$0.05 per AVS transaction(s) when applicable.
4. Agreement may be immediately terminated by BANK if MERCHANT fails to comply with any of the terms of this agreement.

AGREED & ACCEPTED BY:

DATE: _____

[Signature]
OWNER/OFFICER

Authorized Harris, N.A. Agent

Erv. Fry
Print Name

Print Name

Wild Farms, LLC
2 West Dry Creek Circle, Suite 100
Littleton, CO 80120

JPMORGAN CHASE BANK, NA
Denver, CO 80202
23-101/1020

1005

Pay to the
Order of

\$

Dollars

⑈001005⑈

⑈5300⑈

Wild Farms, LLC

1005

Wild Farms, LLC

1005

Wild Farms, LLC
2 W DRY CREEK CIR STE 100
Littleton, CO 80120

GREAT WESTERN BANK
78-873/814

2001

PAY TO THE ORDER OF _____ \$ _____

VOID

_____ DOLLARS

MEMO _____

⑈002001⑈ [REDACTED] 9647⑈

Details on Back
Invalid CheckLock™ Secure Check

Wild Farms, LLC

2001

Wild Farms, LLC

2001

PX11

PPS Attachment P

Merchant Chart

IDENTIFIED MERCHANT CHART

Merchant ID No.	Merchant DBA	Account Opened	Current Status	Rolling Reserve	Suspended Funds	Owner of Account	ISO
3899000002747846	Blizzard White Ultra	12/15/2014	CLOSED – 09/13/2016	\$27,413.54	\$0.00	Ryan Reichenbach	14074 – HR MERCHANT FOCUS PROCESSING INC.
3899000002633012	BHR*BELLAATHOMERESULTS	05/19/2014	Closed – 11/9/2016	\$83,685.48	\$8,522.08	Brian Lint	13928 - HR PAYSAFE SERVICES (US) LLC
3899000002671657	SWD*SPARKWHITENINGDIRECT	07/30/2014	CLOSED – 11/10/2016	\$76,424.92	\$9,023.91	Brian Lint	13928 – HR PAYSAFE SERVICES (US) LLC
3899000002327086	ATP*ACTIONPRO	11/28/2012	CLOSED – 10/04/2016	\$20,017.17	\$6,893.75	Christina Megalo	12478 - HR PAYSAFE SERVICES US LLC
3899000001135647	8662478971BELLABRITE	05/22/2008	CLOSED – 06/03/2009	\$0.00	\$0.00	Susan Laurent	10201 - PIVOTAL PAYMENTS INC.
3899000001853710	EPT*EYEPOTHESISTOOL	03/31/2011	CLOSED – 10/30/2014	\$0.00	\$0.00	Eric Fry	12478 - HR PAYSAFE SERVICES US LLC
3899000002308318	TXT*TRIMXT	10/21/2012	CLOSED – 07/08/2015	\$0.00	-\$1,148.06	Megan Goodman Arndt	12478 - HR PAYSAFE SERVICES US LLC
3899000002313235	SIQ*SKINNYIQ	10/31/2012	OPEN	\$34,259.94	\$0.00	Emily Springmann	12478 - HR PAYSAFE SERVICES US LLC
3899000002667002	WCH*WHITENINGCOACHATHOME	07/21/2014	OPEN	\$67,088.15	\$674.40	Emily McEvoy	13928 - HR

IDENTIFIED MERCHANT CHART

							PAYSAFE SERVICES US LLC
3899000002802971	DGWHITETRND8006306329	03/11/2015	OPEN	\$607.11	\$3,593.09	Sarah Austin	13765 - HR CARDFLEX INC.
3899000002368387	SBD*SEDONABEAUTYDIRECT	02/11/2013	OPEN	\$17,459.99	\$2,779.03	Ryan McWilliams	12478 - HR PAYSAFE SERVICES US LLC
3899000002638482	DNT*DENTALPROATHOME	05/30/2014	CLOSED - 11/26/2014	\$2,000.00	\$0.00	Marnie Baesler	13928 - HR PAYSAFE SERVICES US LLC
3899000001459690	THINACTION8778580734	07/24/2009	CLOSED - 01/19/2010	\$0.00	\$28,202.90	Marnie Baesler	10201 - PIVOTAL PAYMENTS INC.
3899000002667887	SPB*SMILEPROBRANDS	07/23/2014	OPEN	\$102,185.28	\$577.94	Marnie Baesler	13928 - HR PAYSAFE SERVICES US LLC
3899000002801049	DWP*SMILEV8006271650	03/09/2015	CLOSED - 11/25/2016	\$34,042.73	\$30,611.89	Taree Dobie	13765 - HR CARDFLEX INC.
3899000002212148	EFX*YOUTHEFXRESULTS	05/18/2012	CLOSED - 05/19/2014	\$0.00	\$0.00	Taree Dobie	12478 - HR PAYSAFE SERVICES US LLC
3899000001272358	BELLACLEAR	11/10/2008	CLOSED - 03/11/2010	\$10,919.54	\$0.00	Steven Vanderburg	10201 - PIVOTAL PAYMENTS INC.
3899000002317319	2MB*20MINUTEBEAUTY	11/07/2012	CLOSED - 12/20/2013	\$0.00	\$0.00	Mark Santiago	12478 - HR PAYSAFE SERVICES US LLC

IDENTIFIED MERCHANT CHART

3899000001273018	THE ULTIMATE FACIAL	11/14/2008	Closed – 05/10/2010	\$16,018.09	\$0.00	Marnie Baesler	10201 – PIVOTAL PAYMENTS INC.
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Declaration of Gale Atkins

DECLARATION OF GALE ATKINS
Pursuant to 28 U.S.C. § 1746

I, Gale Atkins, have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am over 18 years of age. I reside in Knoxville, Tennessee.
2. In January 2017, I ordered cable services from Comcast. Soon thereafter, I received an email that appeared to come from Comcast offering some free products as a thank-you for filling out a survey. The offer provided about a half-dozen products to choose from, including a tooth-whitening product. I clicked on the tooth-whitening product.
3. I was taken to the website for Whitening Coach. I had to fill in my information to claim the reward. I did not see anything on the website about ongoing charges.
4. As I clicked through the screens of the Whitening Coach website, I expected to see an "order confirmation" page or something similar, letting me know when I was about to finalize the transaction. I never saw such a page, so I did not think I had completed any transaction.
5. I eventually came to a screen that included text saying I would have to cancel to avoid future charges of about \$100 per month. I was concerned, because I did not want to be charged \$100 each month. I could not figure out from the screen how to cancel the transaction, so I called the phone number from the company's website.
6. The person I spoke with told me I had already finalized my order for the tooth whitening product. That surprised me, because I had not seen anything on the website that said I had finalized any transaction. I told the woman I wasn't going to pay anything, since I had not ordered any products. She argued with me and said I had already ordered the products and it was too late to cancel my order.
7. The woman told me she could give me my money back, if I returned the products unopened once I received them. She said I could keep the "trial" portion but would have to return the rest of the products in the box, at my own expense.

//

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Gale Atkins
June 28th
2017

8. I got the box within a week. I immediately returned it unopened, at my expense. I later got an email saying my subscription was canceled, and the company did not make any charges to my account.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2017

Gale Atkins
Gale Atkins

PX13

Declaration of David Brown

DECLARATION OF DAVID BROWN

I, David Brown, have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am over 18 years of age. I reside in Mill Valley, California.
2. In the fall of 2016, I was online when I saw an offer for tooth-whitening products. The website selling the products appeared to offer a one-time shipment of whitening products for about \$3. I thought the offer sounded like a good deal, so I decided to purchase the products. I gave the website my shipping information and credit-card information to pay for the products.
3. After I purchased the whitening product, the company sent me a couple of syringes full of clear goop and some flimsy plastic mouth trays. I wasn't impressed by the products, but I didn't think anything more of it at the time.
4. A few months later, I was reviewing my credit-card bill and saw some unusual charges. I looked back at my last few bills and realized I was being charged monthly under two different names for tooth-whitening products.
5. I was charged \$1.03 on October 6 by both First Class Whitening and Spark Whitening; I also received charges under both names for \$3.87 each on October 8. Then, I received two charges of \$94.31 each in October, and two charges of \$105.22 in November. A true and correct copy of the pages of my October and November credit-card statements showing the charges is attached hereto as Attachment A. The attachment is redacted to show only the charges from the tooth-whitening companies.
6. I never knowingly agreed to be billed about \$200 every month. I only agreed to pay a one-time fee of about \$3 for a single sample of tooth whitener.
7. I called the company to complain. The person who answered the phone told me that the company could cancel future charges and could refund one charge, but could not give me a full refund. I told her I wanted all of my money back and asked to speak to a supervisor. The person who spoke with me told me a supervisor would call me back.
8. No supervisor ever called me back. In early December, I filed a complaint with the California Attorney General about the tooth-whitening company.
9. The company later wrote to me that it wasn't obligated to refund my money, but that it would give me a refund anyway.
10. In December 2016 and January 2017, I received four refunds for \$94.31 each. The refunds appeared on my statements from two different companies. A true and correct copy of the pages from my December and January credit card statements showing the refunds is

attached hereto as Attachment B. The attachment is redacted to show only the refunds from the tooth-whitening companies.

11. I never received refunds for the smaller initial charges, and I never received full refunds for the charges of \$105.22.

12. In late January or early February of 2017, I had not yet seen my latest credit-card statements, so I did not know that the company had already sent me the refunds. I called and asked where my refunds were. The company told me it had already sent me the refunds. I looked at my statements and saw the refunds, then asked why the amounts refunded were smaller than the amounts charged. The company's representative told me it did not refund shipping costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MARCH 14, 2017


David Brown

PX13

Brown Attachment A

Bank Records

BROWN

www.citicards.com
1-855-378-6457

Page 3 of 6

CARDHOLDER SUMMARY

DAVID BROWN
New ChargesCostco Cash
Rewards Summary

Total Costco Cash Rewards Balance:

ACCOUNT SUMMARY

Sale Date	Post Date	Description	Amount
Payments, Credits and Adjustments			

Costco Cash Rewards Summary

Costco Cash Rewards balance
as of last statement

Earned this period

Total Costco Cash Rewards Balance
Year To Date:

DAVID BROWN

Standard Purchases

10/06 10/06 FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO \$1.03

10/06 10/06 SWD*SPARKWHITENINGDIRECT 877-5471761 CO \$1.03

10/08 10/08 FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO \$3.87

10/08 10/08 SWD*SPARKWHITENINGDIRECT 877-5471761 CO \$3.87

10/16 10/16 FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO \$94.31

Costco Cash Rewards
Earned This Period4% on eligible gas worldwide, including
gas at Costco¹

3% on restaurants

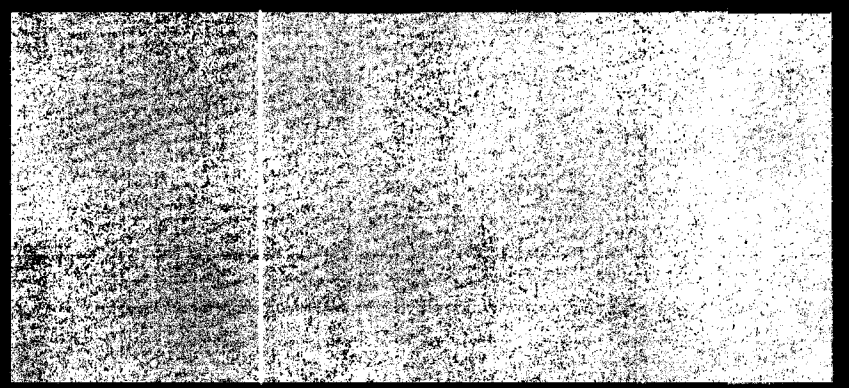
3% on eligible travel worldwide

2% on Costco and
Costco.com1% on all other
purchases

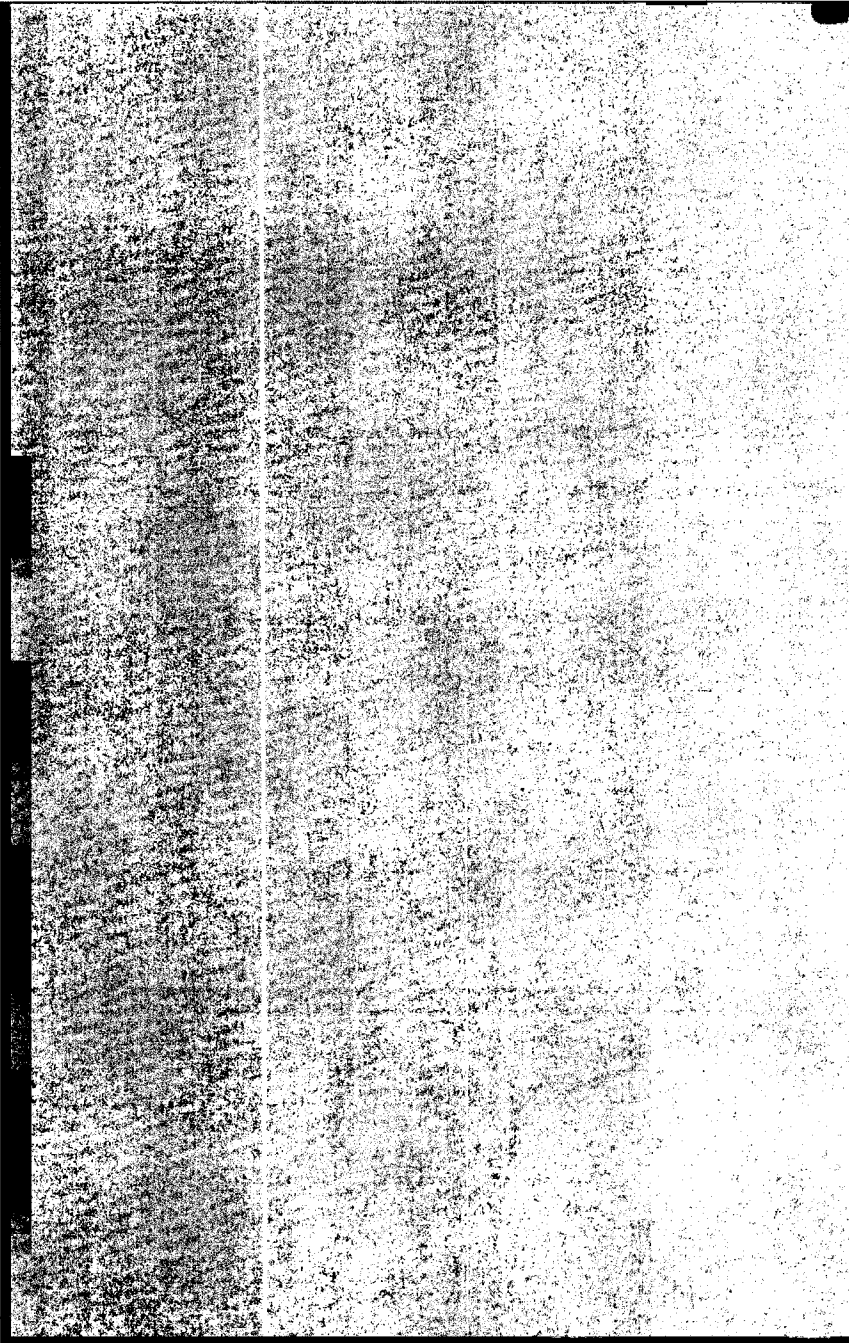
Total Earned:

» Visit citi.com/Costco
for more information¹ Up to \$7,000 per year in purchases, then
1% cash back

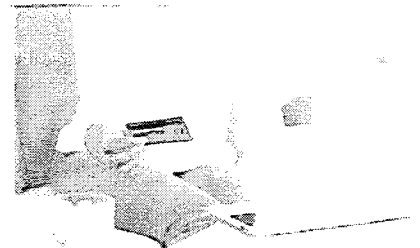
Standard Purchases, cont'd



10/26 10/26 SSIVORY*PROBES9989650 877-906-9477 CO \$94.31



CLICK ON
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back rewards on all purchases
from **Costco.com**, including
goods and services from:

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and models of new and select
pre-owned vehicles, motorcycles,
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highly trained optical-industry
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4000002916

DAVID BROWN

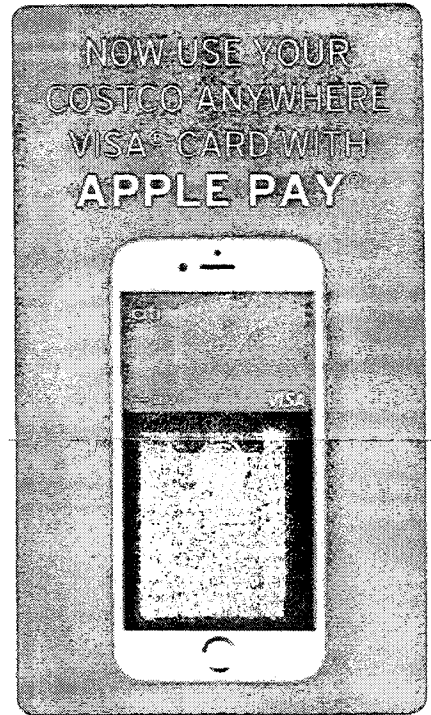
www.citicards.com
1-855-378-6467 TTY: 1-866-210-0617

FL

Standard Purchases, cont'd

11/15 11/15 FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO \$105.22

11/25 11/25 SSIVORY*PRO8889989650 877-906-9477 CO \$105.22



Add your card to Apple Pay and check out with **Incredible speed** and **convenience at thousands** of locations.

IT'S SIMPLE

Simply add your card to Apple Pay and set it as your default card to start shopping.

IT'S EASY - Touch. Pay. Done.

Also, your card number isn't stored in your phone, and payments are authorized with your fingerprint or passcode.

IT'S CONVENIENT

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» Learn more and enroll at citi.com/ApplePay

Apple, the Apple logo, Apple Pay, iPhone and Touch ID are trademarks of Apple Inc., registered in the U.S. and other countries. Apple Pay is only available on Citi-branded consumer credit and debit cards (except for ATM and Chairman cards), and the Costco Anywhere Visa Business Card by Citi issued in the continental U.S. and Hawaii.

4C0C003916

PX13

Brown Attachment B

Bank Records

DAVID BROWN

www.citicards.com

Page 3 of 6

1-855-378-6467 TTY: 1-866-210-0617

CARDHOLDER SUMMARY

DAVID BROWN
New ChargesCostco Cash
Rewards Summary

Total Costco Cash Rewards Balance:

ACCOUNT SUMMARY

Sale Date	Post Date	Description	Amount
Payments, Credits and Adjustments			

Costco Cash Rewards Summary

Costco Cash Rewards balance
as of last statementYour credit card reward certificate
in February Statement

Earned this period

Total Costco Cash Rewards Balance
Year To Date:

12/07	12/07	FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO	-\$94.31
12/07	12/07	SSIVORY*PROBEB9989650 877-906-9477 CO	-\$94.31

Costco Cash Rewards
Earned This Period4% on eligible gas worldwide, including
gas at Costco¹

3% on restaurants

3% on eligible travel worldwide

2% on Costco and
Costco.com1% on all other
purchases

Total Earned:

Visit citicards.com/Costco
for more information¹ Up to \$7,000 per year in purchases, then
1% cash back

DAVID BROWN

www.citizcards.com
1-855-378-6467 TTY: 1-866-210-0617

Page 2 of 3

CARDHOLDER SUMMARY

DAVID BROWN

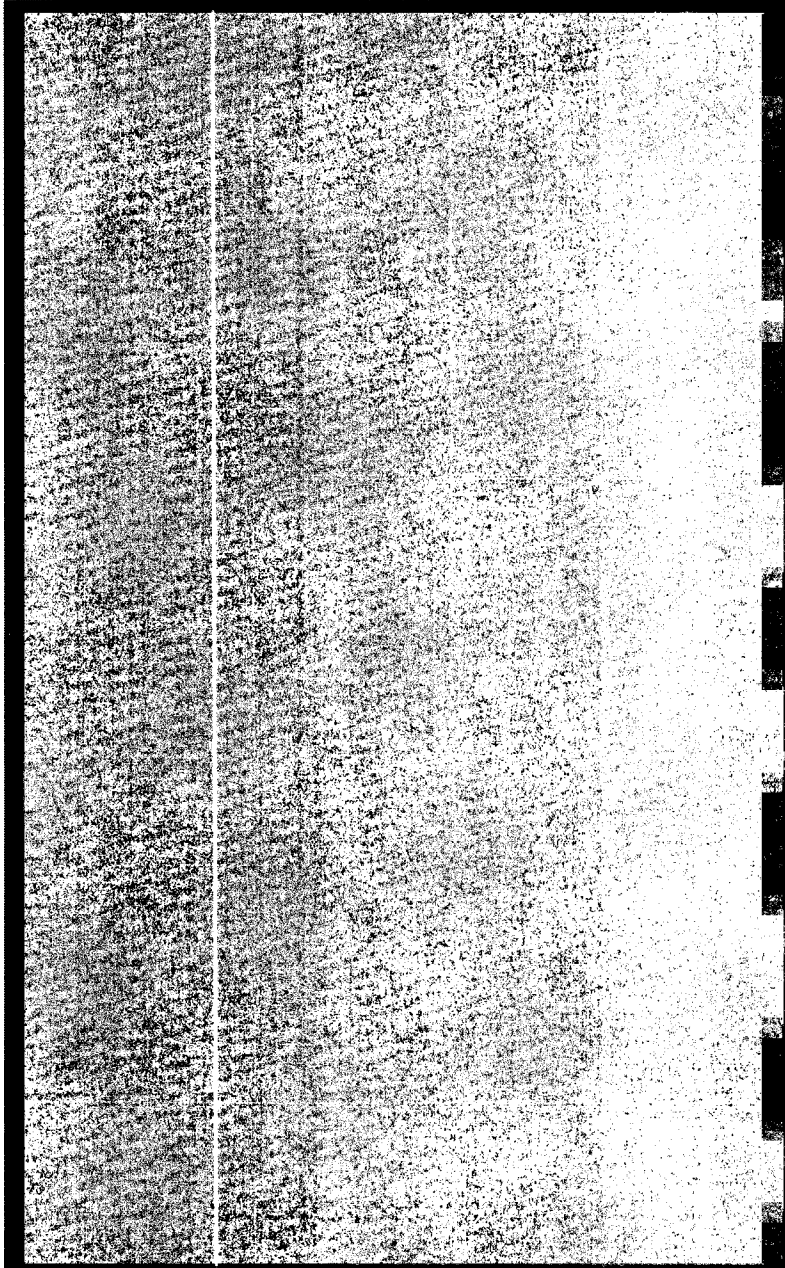
New Charges



ACCOUNT SUMMARY

Safe	Post		
Date	Date	Description	Amount
Payments, Credits and Adjustments			

01/06	01/06	FIRSTCLASSWHITENINGGLOBA 800-392-3911 CO	-\$94.31
01/06	01/06	SSIVORY*PRO8889969650 877-906-9477 CO	-\$94.31

Costco Cash
Rewards Summary

Total Costco Cash Rewards Balance:



Costco Cash Rewards Summary

Costco Cash Rewards balance
as of last statement

Earned this period:

Total Costco Cash Rewards Balance
Year To Date:Costco Cash Rewards
Earned This Period4% on eligible gas worldwide, including
gas at Costco¹

3% on restaurants

3% on eligible travel worldwide

2% on Costco and
Costco.com1% on all other
purchases

Total Earned:

Visit citl.com/Costco
for more information¹ Up to \$7,000 per year in purchases, then 1%
cash back

PX14

Declaration of John Kelly

DECLARATION OF JOHN KELLY
Pursuant to 28 U.S.C. § 1746

I, John Kelly, have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am over 18 years of age. I reside in Walls, Mississippi.
2. In September 2016, I received an email saying that I was eligible to receive a reward from Amazon.com. I had to take a survey to get my prize. After I finished the survey, the website offered a few different prizes to choose from. None of them really interested me, but I wasn't going to turn down a free prize, so I chose a tooth-whitening product.
3. I clicked on the tooth-whitening prize and arrived at the whitening company's website, Smile Pro Direct. At the website, I entered my contact information to tell the company where to send my reward. I don't remember seeing anything on the website about any charges to my credit card.
4. A few days after I signed up for my reward, I got a call from Smile Pro Direct. The representative told me I had to provide a credit-card number to pay the shipping fee of about \$6 for my reward. I gave the representative my credit-card number. The person who called to get my credit-card number said nothing about any further charges beyond the shipping fee. If the representative had told me the company would charge me for anything else, I would not have given my credit-card number.
5. Smile Pro Direct started mailing me their whitening product after I gave them my credit-card number. I received several shipments over the next few months. I didn't really want the tooth-whitening product, so I never tried it.
6. I did not see my bank statements during that time because my account had somehow been changed from paper statements to paperless statements, and I did not look up my statements online. On January 3, 2017, I called my bank to review my statements. I discovered that Smile Pro Direct and three other companies I never heard of had been charging me a total of about \$300, every month since September, without my permission, for a total of \$1,130.67. True and correct copies of my bank statements from September 2016 through early January 2017 showing the charges are attached hereto as Attachment A. The attachment is redacted to show only the charges from the tooth-whitening companies.
7. I called Smile Pro Direct and spoke to several representatives in an effort to get my money back. They would not agree to give me a refund.
8. I then called my bank, which would not reverse the charges. My bank could only change my account number so Smile Pro Direct could not take any more of my money. The bank sent me a letter listing most of the charges I disputed and stating that it would not reverse

the charges. A true and correct copy of the letter I received from the bank is attached hereto as Attachment B. My address and bank account number are redacted in the attachment.

9. After I changed my account number, a Smile Pro Direct representative called me. The representative told me I would have to give the company my new account number to get a refund. I did not trust the company anymore and did not give the representative my new credit-card number. I told the representative that they could send my refund by check to my address.

10. I received emails from Smile Pro Direct and companies called BellaAtHome and Genuine White stating that my accounts had been canceled. True and correct copies of the emails are attached hereto as Attachment C. My email address is redacted in the attachment.

11. I never received any refund from Smile Pro Direct or the other tooth-whitening companies.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/15/, 2017

John Kelly
John Kelly

PX14

Kelly Attachment A

Bank Records

**RENASANT****BANK**

1-800-680-160

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

STATEMENT OF ACCOUNT
AUGUST 22, 2016: LAST STATEMENT
SEPTEMBER 23, 2016: THIS STATEMENT
PAGE 1 OF 2

1-800 680 1601

DIRECT INQUIRIES TO:
877 367-5371

JOHN P KELLY SR
[REDACTED]
WALLS MS 38680-9134

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

0

>>>>> THIS IS AN AUDIT VERIFICATION. IF ANY ERRORS ARE NOTED, CONTACT
OUR INTERNAL AUDIT DEPARTMENT AT P. O. BOX 1279, TUPELO, MS 38802.

HOME EQUITY CHECKING - SUMMARY

ACCOUNT NUMBER	[REDACTED]	PREVIOUS BALANCE	
AVG COLLECTED BALANCE	[REDACTED]	ADDITIONS	+
INTEREST EARNED YEAR TO DATE	[REDACTED]	SUBTRACTIONS	-
		INTEREST EARNED	+
		ENDING BALANCE	



***** OTHER DEBITS *****

DATE	DESCRIPTION	SUBTRACTIONS
------	-------------	--------------

DATE	DESCRIPTION	SUBTRACTIONS
[REDACTED]		

RENASANT BANK


 JOHN P KELLY SR
 SEPTEMBER 23, 2016
 PAGE 2 OF 2

***** OTHER DEBITS *****

DATE DESCRIPTION

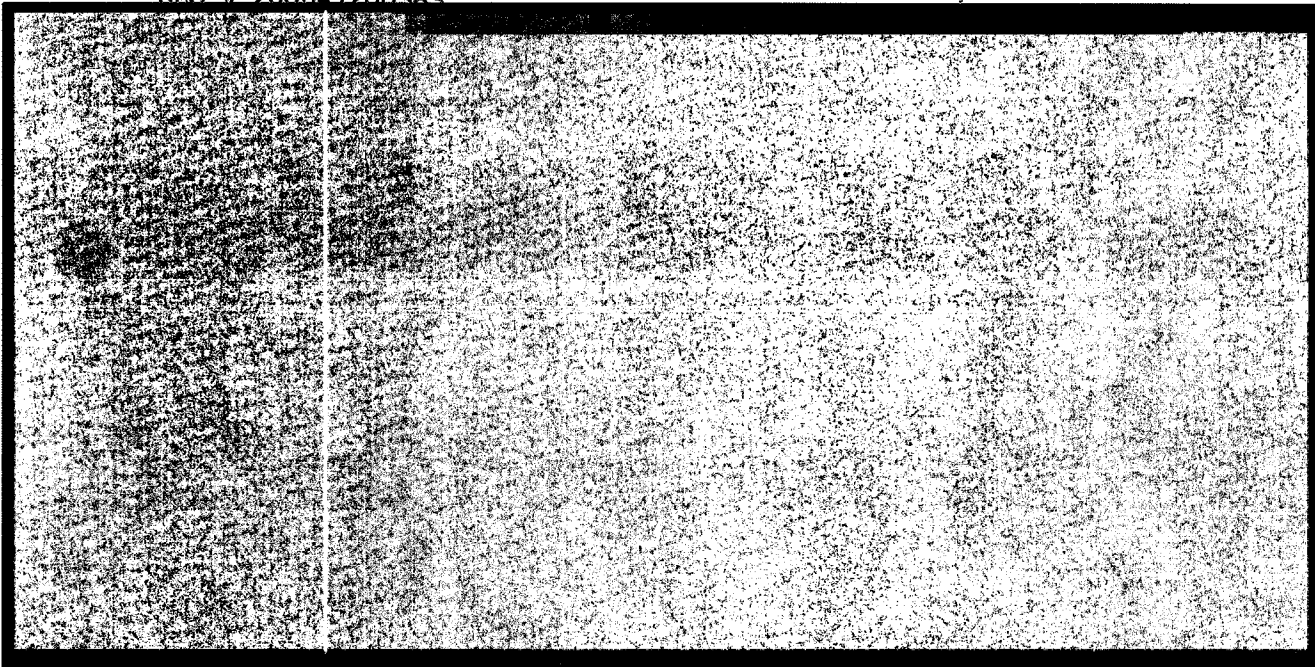
SUBTRACTIONS


 → 09-22 #DEBIT CARD
 MERCHANT PURCHASE TERMINAL 85438396
 SMILE PRO SOLUTIONS PHOENIX AZ
 SEQ # 980013054356

-1.03

 → 09-22 #DEBIT CARD
 MERCHANT PURCHASE TERMINAL 55470676
 TITAN WHITE TODAY 800741926 CO
 SEQ # 200647200383

-1.03



\$1,542.08

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

STATEMENT OF ACCOUNT
SEPTEMBER 23, 2016: LAST STATEMENT
OCTOBER 25, 2016: THIS STATEMENT
PAGE 1 OF 3

901 -216-1607

JOHN P KELLY SR
WALLS MS 38680-9134

DIRECT INQUIRIES TO:
877 367-5371

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

0

HOME EQUITY CHECKING - SUMMARY

ACCOUNT NUMBER
AVG COLLECTED BALANCE
INTEREST EARNED YEAR TO DATE

PREVIOUS BALANCE
ADDITIONS
SUBTRACTIONS
INTEREST EARNED
ENDING BALANCE

+
-
+

***** OTHER DEBITS *****

DATE DESCRIPTION

SUBTRACTIONS

09-26 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 85438396
SMILE PRO SOLUTIONS PHOENIX AZ
SEQ # 980013054388 -3.87

09-26 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 55470676
TITAN WHITE TODAY 800741926 CO
SEQ # 200647400247 -3.87

09-26 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 85438396
GENUINEWTEHWS772960480 877-296-0 NV
SEQ # 701298799382 -1.03

09-28 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 85438396
GENUINEWTEHWS772960480 877-296-0 NV
SEQ # 701298791138 -3.87

RENASANT BANK

JOHN P KELLY SR
OCTOBER 25, 2016
PAGE 2 OF 3

***** OTHER DEBITS *****

DATE	DESCRIPTION	SUBTRACTIONS
09-30	#DEBIT CARD	-94.31

MERCHANT PURCHASE TERMINAL 55470676
TITAN WHITE TODAY 800741926 CO
SEO # 200647000510

10-03	#DEBIT CARD	-92.13
-------	-------------	--------

MERCHANT PURCHASE TERMINAL 85438396
SMILE PRO SOLUTIONS PHOENIX AZ
SEO # 980013054361

10-04	#DEBIT CARD	-94.31
-------	-------------	--------

MERCHANT PURCHASE TERMINAL 85438396
GENUINEWTEHW8772960480 877-296-0 NV
SEO # 701298791173



~~\$ 1,331.64~~

\$ 1,542.08

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

STATEMENT OF ACCOUNT
OCTOBER 25, 2016: LAST STATEMENT
NOVEMBER 23, 2016: THIS STATEMENT
PAGE 1 OF 2

~~\$ 1,121.32~~~~\$ 1,123.38~~

JOHN D KELLY JR
[REDACTED]
WALLS MS 38680-9134

DIRECT INQUIRIES TO:
877 367-5371

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

0

***** HOME EQUITY CHECKING - SUMMARY *****

ACCOUNT NUMBER [REDACTED]
AVG COLLECTED BALANCE [REDACTED]
INTEREST EARNED YEAR TO DATE [REDACTED]

PREVIOUS BALANCE
ADDITIONS +
SUBTRACTIONS -
INTEREST EARNED +
ENDING BALANCE

***** OTHER DEBITS *****

DATE DESCRIPTION SUBTRACTIONS

→ 11-01 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 85438396 -103.04
SMILE PRO SOLUTIONS PHOENIX AZ
SEQ # 980013054333

→ 11-03 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 85438396 -105.22
GENUINEWTEHWS772960480 877-296-0 NV
SEQ # 701298797299

→ 11-03 #DEBIT CARD
MERCHANT PURCHASE TERMINAL 55470676 -105.22
TITAN WHITE TODAY 800741926 CO
SEQ # 200647300266

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

STATEMENT OF ACCOUNT
NOVEMBER 23, 2016: LAST STATEMENT
DECEMBER 22, 2016: THIS STATEMENT
PAGE 1 OF 2

DIRECT INQUIRIES TO:
877 367-5371

JOHN P KELLY SR
[REDACTED]
WALLS MS 38680-9134

RENASANT BANK
P.O. BOX 302
HERNANDO, MS 38632

1

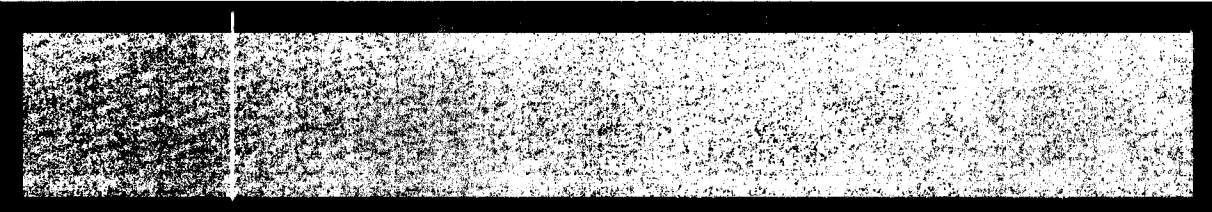
***** HOME EQUITY CHECKING - SUMMARY *****

ACCOUNT NUMBER
AVG COLLECTED BALANCE
INTEREST EARNED YEAR TO DATE

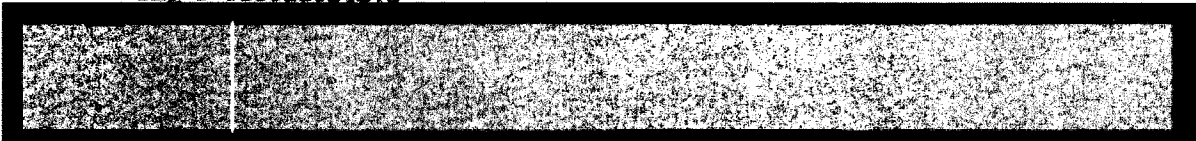
PREVIOUS BALANCE
ADDITIONS +
SUBTRACTIONS -
INTEREST EARNED +
ENDING BALANCE

***** OTHER DEBITS *****

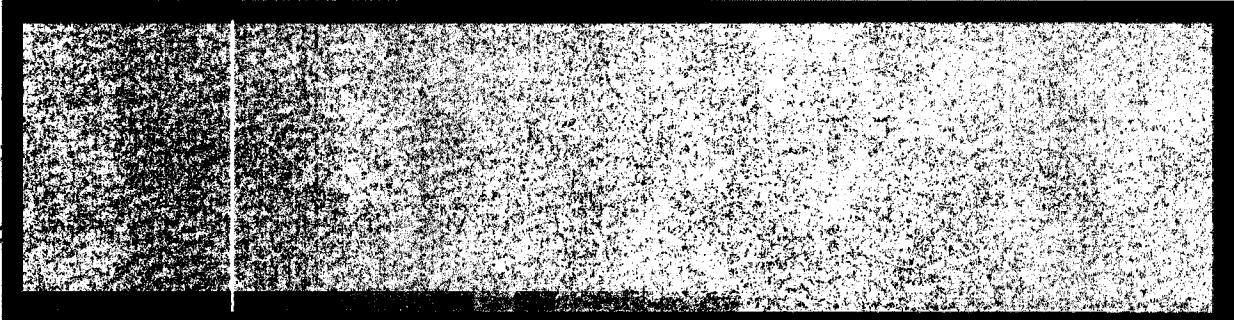
DATE DESCRIPTION SUBTRACTIONS



→ 12-01 #DEBIT CARD -103.04
MERCHANT PURCHASE TERMINAL 85438396
SMILE PRO SOLUTIONS PHOENIX AZ
SEQ # 980013054378



→ 12-05 #DEBIT CARD -105.22
MERCHANT PURCHASE TERMINAL 85438396
GENUINEWIEHW8772960480 877-296-0 NV
SEQ # 701298792096



5/27/17

RENASANT BANK

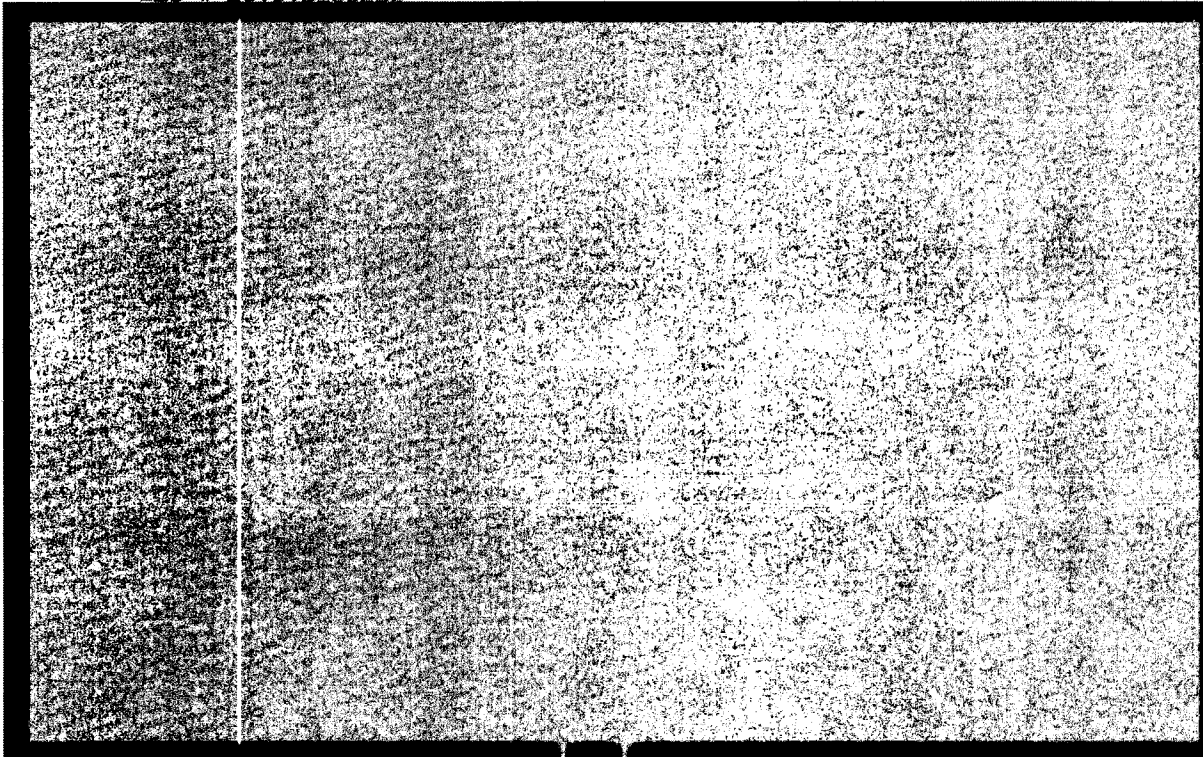
JOHN P KELLY SR
DECEMBER 22, 2016
PAGE 2 OF 2

***** OTHER DEBITS *****

DATE	DESCRIPTION	SUBTRACTIONS
------	-------------	--------------



12-16	#DEBIT CARD MERCHANT PURCHASE TERMINAL 55536076 BELLAHOME866238592 086623859 CO SEQ # 207973100252	-105.22
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Quick Links

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- [Make an external transfer](#)
- [Statements](#)
- [Download banking transactions](#)



Account Activity

[Print-Friendly View](#)

HOME EQUITY CHECKING, [REDACTED] Available [REDACTED] Go

HOME EQUITY CHECKING, [REDACTED]
 Current balance: [REDACTED] • Available balance [REDACTED] • [View account information](#)

All transactions for the last 30 days

[Show scheduled transactions](#) • [Search your transaction history](#) • [Redisplay 30-day view](#)

Page 1 of 1

<u>Date</u>	<u>Number</u>	<u>Description</u> ↑	<u>Withdrawals</u>	<u>Deposits</u>	<u>Balance</u> ±
[REDACTED]					
→ 01/03/2017		DEBIT CARD MERCHANT PURCHASE TERMINAL 85438397 GENUINEWTEHW877296 0480 877-296-0 NV SEQ # 701298799531	105.22		6,984.74
→ 01/03/2017		DEBIT CARD MERCHANT PURCHASE TERMINAL 85438396 SMILE PRO SOLUTION S PHOENIX AZ SEQ # 980013054389	103.04		7,089.96
[REDACTED]					

PX14

Kelly Attachment B

Letter from Bank



January 19, 2017

JOHN P KELLY

WALLS, MS 38680

RE: Notice of Final Determination

This letter is regarding the following disputed POS (Point of Sale) transaction:

Date Submitted: January 05, 2017

Account Number: [REDACTED]

Disputed Amount: 1,125.77

<u>Date</u>	<u>Amount</u>	<u>Transaction Description</u>
01/03/2017	\$103.04	543890000 SMILE PRO SOLUTION S PHOENIX AZ
01/03/2017	\$105.22	7995310000 GENUINEWTEHW877296 0480 877-296-0 NV
12/05/2016	\$105.22	7920960000 GENUINEWTEHW877296 0480 877-296-0 NV
12/01/2016	\$103.04	543780000 SMILE PRO SOLUTION S PHOENIX AZ
12/16/2016	\$105.22	1002520000 BELLA@HOME86623859 2 086623859 CO
11/03/2016	\$105.22	3002660000 TITAN WHITE TODAY 800741926 CO
11/03/2016	\$105.22	7972990000 GENUINEWTEHW877296 0480 877-296-0 NV
11/01/2016	\$103.04	543330000 SMILE PRO SOLUTION S PHOENIX AZ
10/04/2016	\$94.31	7911730000 GENUINEWTEHW877296 0480 877-296-0 NV
10/03/2016	\$92.13	543610000 SMILE PRO SOLUTION S PHOENIX AZ
09/30/2016	\$94.31	5190000 TITAN WHITE TODAY 800741926 CO
09/28/2016	\$3.87	7911380000 GENUINEWTEHW877296 0480 877-296-0 NV
09/26/2016	\$3.87	4002470000 TITAN WHITE TODAY 800741926 CO
09/22/2016	\$1.03	543560000 SMILE PRO SOLUTION S PHOENIX AZ
09/26/2016	\$1.03	7993820000 GENUINEWTEHW877296 0480 877-296-0 NV

We have completed our research regarding your dispute and have determined that no error occurred.

Please be aware that you have the right to request copies of the documents that we relied on to make our determination.

We apologize for any inconvenience that this situation may have caused. Please feel free to



contact the Customer Service Department at 1-800-680-1601 or disputes@renasant.com if you have any further questions or need any additional information.

Thank you for banking with Renasant Bank.

PX14

Kelly Attachment C

Emails

Smile Pro Direct Ongoing Return Issued

Smile Pro Direct <donotreply@smileprodirect.com>

Dear John,

This email is being sent to confirm that your account is cancelled. You will no longer receive charges or shipments.

The RMA number you requested is 8-878118. This is valid for one package. Under the Return Policy, you may only return one package for credit. The package must be received before 2017-02-08 to qualify for credit. If your return is received opened or damaged there will be a \$18.60 repackaging fee.

Please write the RMA number prominently on the outside of the shipping package. You will not receive credit if you do not use this RMA number.

Our return shipping address is:
Web Fulfillment Center
7565 Commercial Way
Unit E
Henderson, NV 89011

Once your package is received, a credit will be issued back to your credit card. Please note that returns are typically processed in one business day once we receive your package and it can take another day or two with your bank before it shows up on your credit card account.

If you should need further assistance, please contact our Customer Service Center. We're happy to assist you in any way we can.

Thank you,

Smile Pro Direct Customer Service Team
24 hours a day, 7 days a week
1-866-221-1656 (US Only)

Time

07/24/2017

Event ends May 31

Archive

Views

Folders

DECRYPT MSG...

BellaAtHome Cancellation Notice

BellaAtHome <donotreply@bellaathome.com>
[REDACTED]

Dear John,

This email is being sent to confirm that your account has been cancelled. You will not receive any other shipments or charges.

If you wish to place an order with us in the future, or if you need further assistance, please contact our Customer Service Team. We'll be happy to assist you in any way we can.

Thank you,

BellaAtHome Customer Service Team
24 hours a day, 7 days a week
1-888-552-2402 (US Only)

**IMPORTANT SAFETY
INFORMATION**

You should not use
NEXPLANON if you are
pregnant or think you
may be pregnant, have
or have had blood clots,
have liver disease or a
liver tumor, have
unexplained vaginal
bleeding, have breast
cancer or any other
cancer that is sensitive
to progestin (a female
hormone), now or in the
past, or are allergic to
any of the ingredients.

← Search results                

Genuine White Cancellation Notice

Genuine White <donotreply@genuinewhite.com>


Dear John,

This email is being sent to confirm that your account has been cancelled. You will not receive any other shipments or charges.

If you wish to place an order with us in the future, or if you need further assistance, please contact our Customer Service Team. We'll be happy to assist you in any way we can.

Thank you,

Genuine White Customer Service Team
24 hours a day, 7 days a week
1-855-829-4886 (US Only)

Views

Folders

>

PX15

Declaration of Mary Nokes

DECLARATION OF MARY NOKES

I, Mary Nokes, have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am over 18 years of age. I reside in Lexington, Massachusetts.
2. In February of 2016, I clicked on a pop-up ad online for a tooth-whitening product called First Class Whitening. The company offered a trial of the product for a payment of about \$3.
3. I decided to try the tooth-whitening product, and I input my credit-card information and address to receive the trial shipment. I saw no information on the website about future shipments or monthly charges for the product.
4. After I signed up for the trial, I received two shipments of tooth whitener in the mail. Each box contained a few small plastic tubes of whitener. I decided I would not reorder the product.
5. Oddly, I received more shipments of tooth whitening product the next month, and again the month after that. Each shipment consisted of two boxes from tooth whitening companies. I didn't want the products, so I never opened the boxes. The boxes all had the same return address: Web Fulfillment Center, 7565 Commercial Way, Unit E, Henderson, NV 89011.
6. In June of 2016, I checked my credit-card statement and was alarmed to see charges that I hadn't authorized. I had been charged about \$200 each month under several names since I ordered the tooth-whitening product, for a total of \$840.65. The charges from the tooth whitening companies appeared on my credit-card statement as follows:
 - 2/6/16: NCFIRST*CLWT8005638315 \$1.03
 - 2/6/16: SPB*SMILEPROBRANDS \$1.03
 - 2/8/16: NCFIRST*CLWT8005638315 \$3.87
 - 2/8/16: SPB*SMILEPROBRANDS \$3.87
 - 2/14/16: SPB*SMILEPROBRANDS \$94.31
 - 3/15/16: SPB*SMILEPROBRANDS \$105.22
 - 4/4/16: FIRST CLASS WHITENING \$105.22
 - 4/14/16: SPB*SMILEPROBRANDS \$105.22
 - 5/4/16: FIRST CLASS WHITENING \$105.22
 - 5/14/16: SPB*SMILEPROBRANDS \$105.22
 - 6/3/16: FIRST CLASS WHITENING \$105.22
 - 6/13/16: SPB*SMILEPROBRANDS \$105.22

7. I thought it was a scam that multiple companies kept charging me for products, even though I only ordered one trial and never asked for further shipments. I would not have ordered the trial if I knew I would be charged for additional products each month.

8. I reported the fraud to my credit-card company, and my credit-card company called the tooth-whitening companies while I was on the line. The representative of the tooth-whitening companies claimed that I had agreed to be billed monthly. I explained that I had not agreed to these charges and asked for a refund. The representative only agreed to refund the monthly charges from June 2016, even though the companies had billed me for several months without my knowledge.

9. I received the refunds for the June charges, totaling \$210.44, and the charges stopped appearing on my bills. I still have not received refunds for the rest of the money the tooth-whitening companies charged without my consent. In late June 2016, I complained to the Better Business Bureau about the companies' practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12 April, 2017

Mary B. Nokes
Mary Nokes

PX16

Declaration of Joyce Saulter

DECLARATION OF JOYCE SAULTER
Pursuant to 28 U.S.C. § 1746

I, Joyce Saulter, have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am over 18 years of age. I reside in Ayden, North Carolina.
2. I was browsing the Internet in early 2017 when I saw an advertisement for a tooth-whitening product. The ad offered a sample of the product for \$4.95. I wanted to try the product, so I clicked on the ad.
3. I arrived at a website for Whitening Coach. The website asked me to enter my information to order my sample. It said I would pay \$4.95 for shipping to get the product. I don't remember seeing anything on the website about any additional charges.
4. I received one box in the mail from the whitening company. It contained a sample of tooth whitening product.
5. Within a few weeks, I noticed new charges pending on my bank account, which I check online. I was concerned because I had not authorized the charges. A true and correct copy of printouts from my online account statements showing the charges is attached hereto as Attachment A. The attachment is redacted to show only the charges for tooth whitening products.
6. I called the number from my bank statement and reached a tooth-whitening company that said I had not ordered anything from them. The representative transferred me to another tooth-whitening company, who said I hadn't ordered anything from them, but only from the first company. I asked both companies to give me a refund, but I could not get a straight answer from either about who actually sold me the product.
7. I don't know why two companies were charging me for tooth whitening products, since I only ordered from one. I would not have bought any tooth-whitening products if I knew they were going to try to charge me so much every month.
8. I called my bank to report the fraud. The bank would not reverse the charges, but they did cancel my debit card so the companies could not charge me again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2017

Joyce Saulter
Joyce Saulter

PX16

Saulter Attachment A

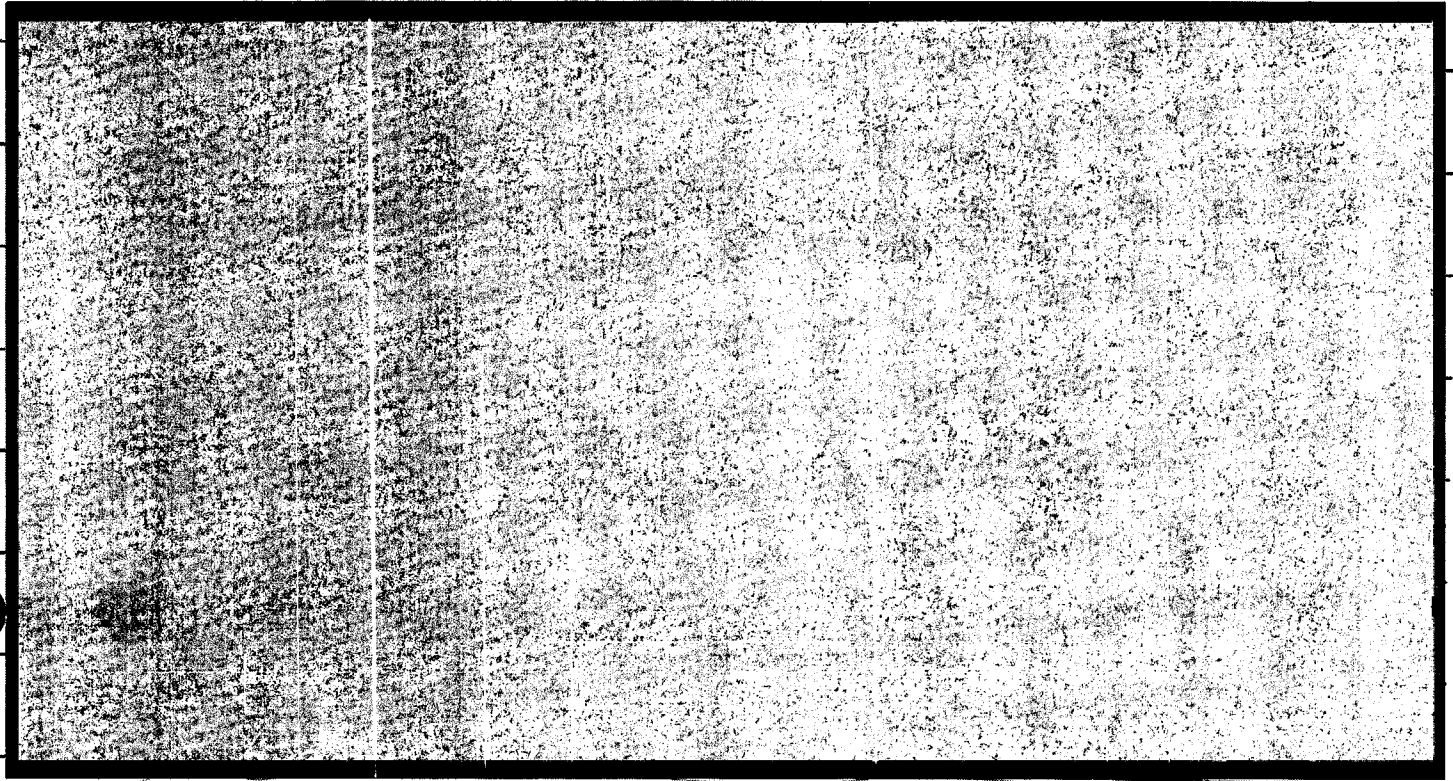
Bank Records



First-Citizens Regular Checking

Last Updated: 5/5/2017 8:26 AM

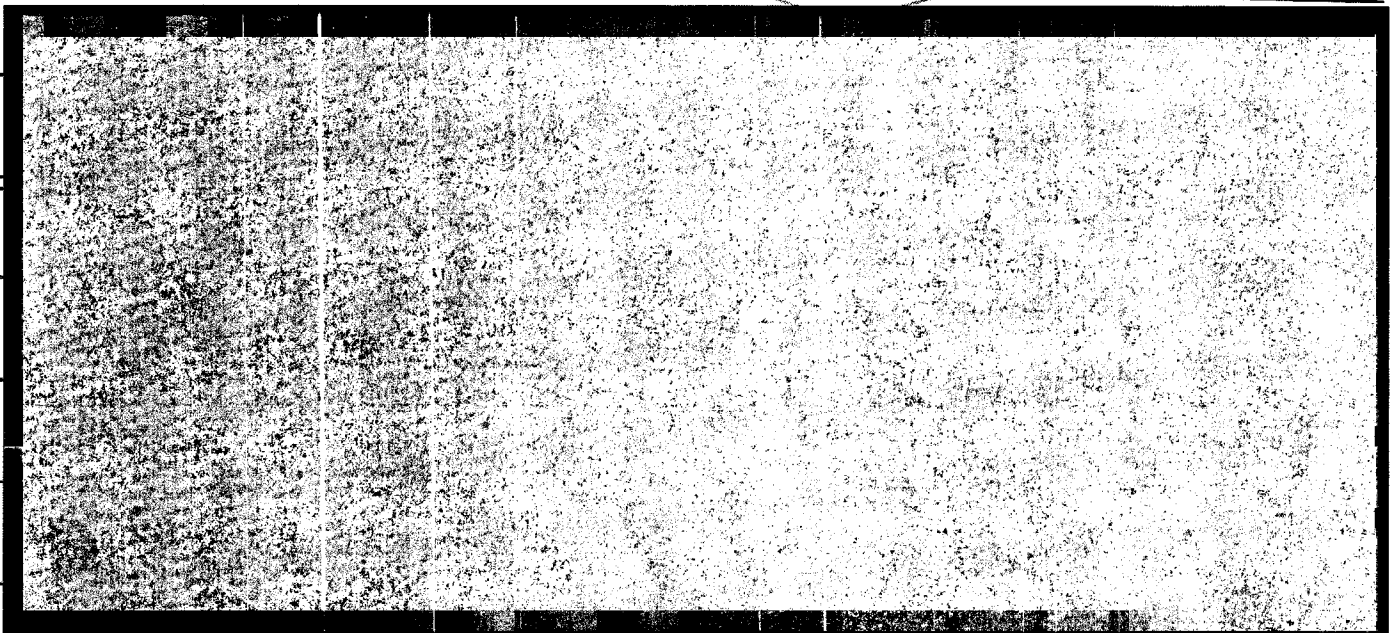
Available Balance

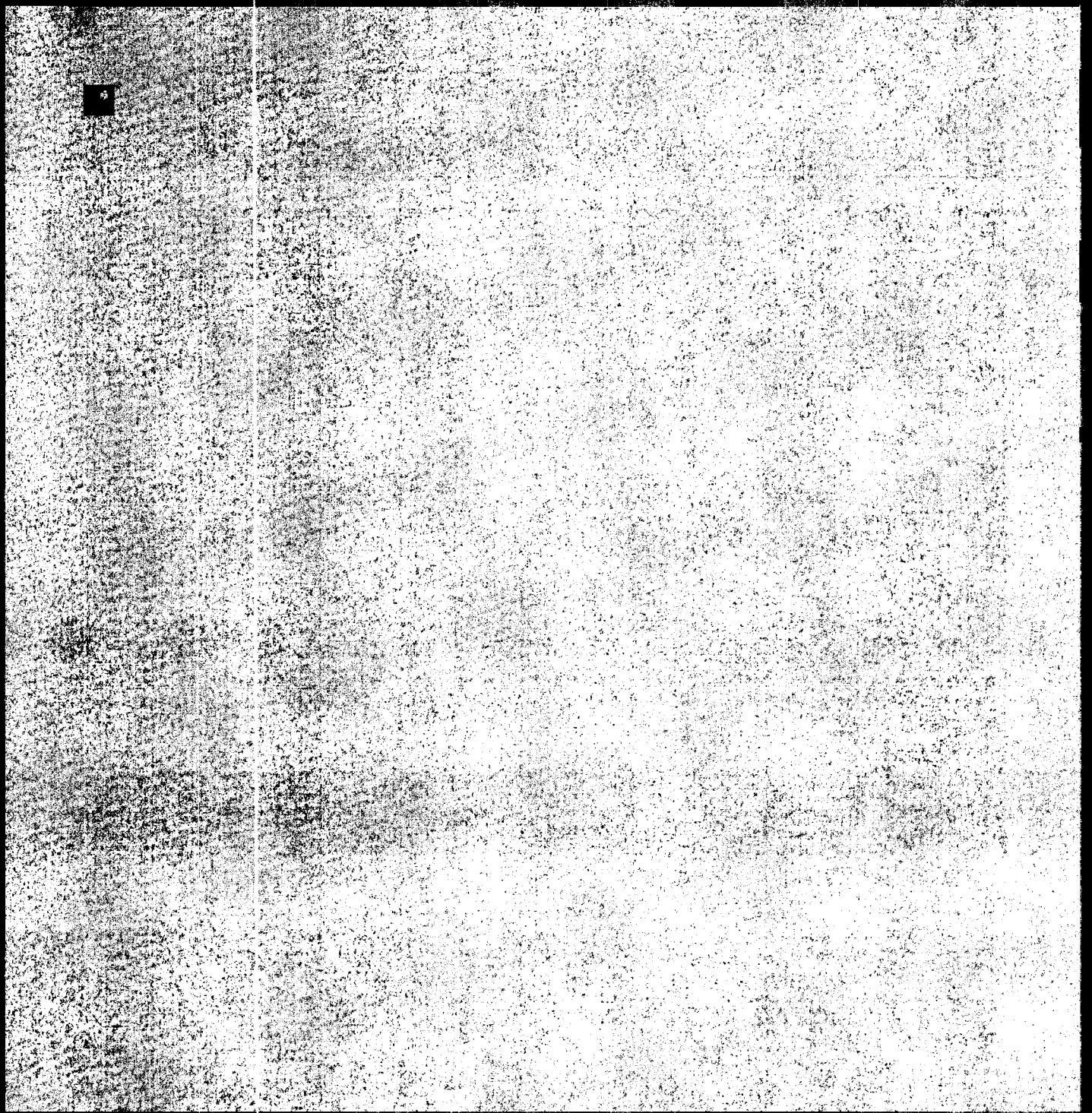


FEB 6
2017

POS SIGNATURE- VISA #5608 WHITENING COACH PRO 800-990-5594 IN

-\$94.31
\$7,361.42





JAN 30
2017

POS SIGNATURE- VISA #5608 WHITENING COACH PRO 800-990-5594 IN

-\$3.87
\$23,468.60



JAN 30
2017

POS SIGNATURE- VISA #5608 GENUINEWTEHW8772960480 877-296-0480 NV

-\$38.71
\$5,109.47

JAN 27
2017

POS SIGNATURE- VISA #5608 WHITENING COACH PRO 800-990-5594 IN

-\$1.03
\$5,174.73

JAN 27
2017

POS SIGNATURE- VISA #5608 GENUINEWTEHW8772960480 877-296-0480 NV

-\$1.03
\$5,175.76

